

Michael Cohen - #98066
Attorney at Law
Grove Law Building
345 Grove Street
San Francisco, CA 94102
415/861-4414
Fax: 415/431-4526

Attorney for Plaintiffs

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA

DAVID WASSERMAN, No. C 11-02772 EDL

Plaintiff,

vs.

**STIPULATION AND ~~PROPOSED~~ ORDER TO CONTINUE
MOTION TO DISMISS AND INITIAL CASE
MANAGEMENT CONFERENCE AS MODIFIED**

UNITED STATES, and
DOES 1-100,

Defendants.

STIPULATION

The parties hereby stipulate, by counsel, that hearing on Defendant's motion to dismiss, currently set herein for February 7, 2012, may be continued to February 28, 2012, at 9:00 A.M., and that the Initial Case Management Conference, currently set herein for February 7, 2012, may be continued to the same date, February 28, 2012, at 9:00 A.M.

Plaintiff requested this because unforeseen events and circumstances [*including but not limited to (a) a major response to a complex summary judgment motion which took much more time than anticipated, backing up all other work behind it, (b) a major issue in FOIA production of documents possibly relevant to the motion, and (c) the unanticipated need for the Plaintiff (who, with separate counsel, is conducting the FOIA search, and has the experience herein Plaintiff's counsel does not, to interpret the FOIA production) to travel to the East Coast for both business and family needs*] combined to significantly hamper Plaintiff's ability to respond to

the motion by the previously agreed time; and Defendant's counsel agreed that the reasons stated were appropriate grounds for the relief sought.

The parties further stipulate that the briefing schedule for the motion, and Case Management Statement date, shall be continued concomitantly, with opposition papers being due on or before January 27, 2012, and reply papers being due on or before February 10, 2012.

DATED: January 5, 2012 Respectfully submitted,

MELINDA HAAG, United States Attorney

/S/
MICHAEL T. PYLE, Assistant U. S. Attorney,
Counsel for Defendant United States of America

/S/
MICHAEL COHEN,
Counsel for Plaintiff David Wasserman

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Defendant's motion to dismiss, currently set herein for February 7, 2012, is continued to March 20, 10:00 ~~February 28~~, 2012, at ~~9:00~~ A.M., and the Initial Case Management Conference is continued to the same date, March 20, 10:00 ~~February 28~~, 2012, at ~~9:00~~ A.M. Opposition papers to the motion are due on or before January 27, 2012, and reply papers to the motion are due on or before February 10, 2012.

The Court reserves the right to continue the hearing or decide the motion without a hearing should the Court decide that it is appropriate to do so. The parties shall file a joint Case Management Conference Statement on or before ~~February 21, 2012.~~ March 9, 2012

DATED: January 10, 2012


HON. ELIZABETH D. LAPORTE
United States Magistrate Court Judge